

REMARKS

This response is intended as a full and complete response to the final Office Action mailed May 16, 2006. In the Office Action, the Examiner notes that claims 31, 47-49 and 67-79 are pending of which claim 31 is allowed and claims 47-49 and 67-79 are rejected. By this response, the Applicants have amended claims 47, 67, 70, 74 and 77. No new matter has been added.

Entry of this amendment is proper under 37 CFR 1.116 since this amendment places the application in condition for allowance for the reasons discussed herein. The amendment is necessary and was not earlier presented because it is made in response to issues raised in the final rejection. Entry of the amendment is thus respectfully requested.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response.

Allowable Subject Matter

Applicants thank the Examiner for the allowance of claim 31.

35 U.S.C. §103 Rejection of Claims 47, 48, 67-79

The Examiner has rejected claims 47, 48 and 67-79 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,400,401 to Wasilewski et al. (hereinafter "Wasilewski") in view of U.S. Patent 5,231,494 to Wachob (hereinafter "Wachob") and U.S. Patent 5,251,028 to Iu (hereinafter "Iu"). Applicants respectfully traverse the rejection.

The examiner indicated that the prior art of record does not show or reasonably suggest a plurality of FIFO storage means and a FIFO control means for... sending a control signal to a computer processing means when a individual FIFO means is reaching capacity along with a means for obtaining communications from the set top terminals, the computer processing means, connected to the obtaining means, for generating instructions to the signal processor using the communications from the set top terminals as claimed in claim 31. Independent claims 47, 67, 70, 74 and 77 have been amended to include the above features. Moreover, the subject matter and all the features of claim 31 are now included in the amended claims. Thus, none of the prior art of record shows or reasonably suggests claims 47, 67, 70, 74 and 77 taken as a whole.

As such, independent claims 47, 67, 70, 74 and 77 are patentable under 35 U.S.C. §103 over Wasilewski, Wachob and Iu. Furthermore, claims 48, 68-69, 71-73, 75-76 and 78-79 depend directly from independent claims 47, 67, 70, 74 and 77 and recite additional limitations thereof. As such, Applicants submit that these dependent claims also are patentable under 35 U.S.C. §103 over Wasilewski, Wachob and Iu.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 49

The Examiner has rejected claim 49 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski in view of U.S. patent 5,099,319 to Esch et al. (hereinafter "Esch"). Applicants respectfully traverse the rejection.

Each of the grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §103 for the corresponding independent claims. Since the rejection of the corresponding independent claims under 35 U.S.C. §103 has been overcome, as described hereinabove, and there is no argument put forth by the Office that any other additional references supply that which is missing from Wasilewski to render the independent claims unpatentable, these grounds of rejection cannot be maintained.

Therefore, Applicant respectfully requests that the Examiner's rejection of claim 49 under U.S.C. §103(a) be withdrawn.

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are allowable. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jasper Kwoh, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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